Exptt (1944) Department.

Ms SERIES.

G.O. No. 2210 PH 19

Dated 8.8.1944

[Despatch Abstract.]

Establishment - Public Health - South Kanara District Board - Naranappa Karkera, Sri B., I Class Vaccinator - Refixation of pay - Declined.

By Registered Post.

Office of the Director of Public Health,
R.No.16288-4-EL/43, Madras, Dated 20th April 1944 19472

CITY SECRETARIAT GOVERNMENT
26 1944
EDUCATION AND PUBLIC HEALTH DEPARTMENT

From
Rao Bahadur Dr.R. Adiseshan, Dip.Hyg.,(Camb.),
Director of Public Health, Madras.

To
The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

Subject:- Establishment - Public Health - South Kanara District - Sri B. Narayana Karkera, I class vaccinator - re-fixation of pay. Nagarajiva

A copy of petition dated 6-4-43 from Sri B. Narayana Karkera, I class vaccinator, South Kanara District together with its enclosures is herewith forwarded.

The petitioner is a I class vaccinator of South Kanara District Board and is a qualified Sanitary Inspector. He was first appointed on 6-1-1938 as acting II class vaccinator and he acted as such for a total period of 7 months and 16 days - vide history of service enclosed with the petition. He was appointed as Ag. I class vaccinator from 14-8-39 in the scale of Rs.40-2/2-50.

On 1-1-1941, the Public Health Establishment (Local Authorities) Regulations.40, came into force and the scale of pay prescribed therein for I class vaccinator is Rs.30-2/2-50. The petitioner being a probationer in the post of I class vaccinator on that date, his pay was fixed in this scale at Rs.30/- plus Rs.10/- personal pay to be absorbed in future increments.

The petitioner represents that the above fixation of pay has caused hardship to him as he has to wait for 10 years more to earn his next increment and requests that his pay may be fixed at Rs.40/- in the said scale with effect from 1-1-41. His contentions are as follows:-

(i) At the time of his first appointment as Ag.II class vaccinator he was a qualified Sanitary Inspector.

(ii) On the date of the appointment of the petitioner as Ag. II class vaccinator (i.e.,) 6-1-38, there was a vacancy in the post of I class vaccinator in the District. Consequent on the appointment of the permanent incumbent as Ag. Health Inspector this I class vacancy was however held by one Habibulla Khan an exempted-II class vaccinator not qualified to hold the post of I class vaccinator.

(iii) If the petitioner had been directly appointed as I class vaccinator in the said vacancy on 6-1-38 itself he could have completed the period of his probation in the post of I class vaccinator on 28-12-40 and as the vacancy of I class vaccinator in which he was acting from 14-8-39 was a permanent one, he could have been confirmed on the date of completion of probation in the post of I class vaccinator, i.e., 28-12-40. He would have therefore been eligible to have his pay fixed at Rs.40/- in the scale of Rs.30-2/2-50 with effect from 1-1-41 instead of Rs.30/- plus Rs.10/- as personal pay and that his continuous service from 14-8-39 would count for increment in the revised scale.

P.T.O.

E&PH(E1)

G.O's 4066 P.H. dated 14-11-38 and 2681 P.H. dated 14-10-35 referred to on p.2 supra have been called for from the H.R.O. This may be sent till 1-5-44

27/4/44

I consider that hardship has been caused to the petitioner in the matter of refixation of his pay on 1-1-41 in the revised scale. The District Health Officer and President, District Board, South Kanara support his request for refixation of his pay. I therefore request that in the circumstances stated above Government will be pleased to fix the pay of the petitioner at Rs.40/- in the scale of Rs.30-2/2-50 with effect from 1-1-1941 in the post of I class vaccinator.

The service register of the petitioner is herewith enclosed. (A)

24/4/44

for Director of Public Health, Madras.

Copy of endorsementREf.563-43 dated 17-9-43 of the District Health Officer, South Kanara.

Retransmitted to the Director of Public Health, Madras through the President, District Board, South Kanara.

In para 2 of G.O.No.2681 P.H., dated 14-10-1935, the South Kanara District Board was requested toconsider the advisability of converting some of the posts of second class vaccinators as and when vacancies occur into those of first class vaccinators to reach the proportion of first to second class vaccinators fixed in G.O.No.2884 P.H., dated 17-12-1934. But in G.O.No.4066 E.& P.H., dated 14-11-1938, Government sanctioned the conversion of two second class vaccinators posts held by Messrs. R.W. Naik and M. Sanjiva into first class ones, as the vaccinators were qualified for promotion as first class vaccinators. It was also ordered that these posts should be converted immediately without waiting for the occurrence of vacancies in the post of first class vaccinators. C|17-18 B|1 D|11-12

2. The principle enunciated in G.O.No.4066-E& P.H., dated 14-11-1938, may be made applicable, in the case of the petitioner (Sri B.N. Karkere). At the time of his first appointment viz., on 6-1-1938, he was a fully qualified to hold the post of a first class vaccinator and as such he may be appointed as a first class vaccinator from that date. D|11-12

3. On 6-1-1938, there were only 4 first class vaccinators under the District Board and on account of his appointment as a first class vaccinator from that date, the proportion of 2:3 prescribed in G.O.No.2884 P.H., dated 17-12-1934 will not alter. B|1

Copy of endt.I.N.Ref.17769-43-B4 dated 4-10-43 of the President, District Board, South Kanara.

Retransmitted to the District Health Officer, South Kanara.

2. The endorsement dated 17-9-43 has not been numbered. According to the provisions of the District Board Manual the replies are to be given numbers. A number should have been given to the present endorsement of the District Health Officer.

3. The Director of Public Health, Madras has called for his remarks on the petitioner's claim for appointment in the vacancy of the first class vaccinator's post that existed on 6-1-38 with reference to paras 3 to 7 of the petition. The District Health Officer's endorsement dated 17-9-43 contains only a suggestion of appointing the petitioner as a first class vaccinator from 6-1-1938.

4. The petitioner was acting only in leave vacancies of existing permanent second class vaccinators who were unqualified for promotion as first class vaccinators. It is inexplicable why the petitioner did not prefer his claims in time and how the principles enunciated in G.O.No.4066, E.& P.H. dated 14-11-38 D|11-12

can now be applied to him. Those orders were issued with regard to the conversion of the two posts of second class vaccinators into first class as both of them were permanent second class vaccinators and also qualified for appointment to the posts of first class vaccinators at the time whereas the petitioner was only an acting II class vaccinator.

Copy of Endt.Ref.563.43 dated 11-10-43 of the District Health Officer, South Kanara.

Retransmitted to the President, District Board, South Kanara. The reference number to the last communication has since been noted.

2. Though the petitioner was working as an acting second class vaccinator from 6-1-1938 in the vacancies of second class vaccinators he was eligible for employment as an acting first class vaccinator even from 6-1-1938, as (1) he was qualified to hold that post and (2) there was a vacancy of a first class vaccinator, i.e. vacancy of Sri S. Venkiteswara Pai) in which a second class vaccinator was officiating. As he was not appointed in this vacancy he has now submitted his claims.

The principles contained in G.O.No.4066-E.P.H., dated 14-11-1938 can be applied to the petitioner's case, as the post held by the acting second class vaccinator required to be retained for a qualified I class vaccinator only. The petitioner was therefore eligible to be appointed as a first class vaccinator from the date of his first appointment.

Copy of Memo.R.No.16288-3-E1-43 dated 31-12-43 from the Director of Public Health, Madras to the District Health Officer, South Kanara.

Ref:- Endorsement Ref.563-43 dated 11-10-43 of the District Health Officer, South Kanara.

The District Health Officer, South Kanara is requested to state specifically whether there was a permanent vacancy on 28-12-1940 in which B. Narayana Karkere could be confirmed. He is also requested

P.T.O.

to send the Service register of the vaccinator.

Copy of letter Ref.No.563/43 dated 25-1-44 from the District Health Officer, South Kanara to the Director of Public Health.

Ref:- Your R.No.16288-3-E.L.43 dated 31-12-1943.

There was a permanent vacancy on 28th December 1940, in which Sri B. Narnappa Karkera could be confirmed, i.e., the vacancy caused on account of the death of Sri B. Kristraya Shanbhogue, first class vaccinator in the District.

2. The service register of the vaccinator is enclosed for reference and return.

S.K.V. 24-4-44.

Copy of letter No.2219-44 from the District Health Officer, South Kanara Mangalore, dated 29-5-44 addressed to The Director of Public Health, Madras.

****

Subject: Establishment--Public Health--South Kanara District--Sri B.Narnappa Karkera--I Class Vaccinator--Refixation of Pay--Information Furnished.

Ref: Your R.No.16288-5.E1-43 dated 17-5-1943.

Sri B.Narnappa Karkera, I class Vaccinator, was confirmed in his post with effect from 14-8-1939, in this office Ref.No.2723-A-41 dated 1-9-1941. The vacancy that existed on 28-12-1940, was subsequently conferred on a junior to the Petitioner, Sri. D.Sheshappa Shetty with effect from 1-1-1941.

2. The petitioner was not confirmed on 10-6-43 as stated in para 2 of your memo. referred to above.

3. The request of the petitioner is that instead of 14-8-1939, he should have been confirmed from 6-1-1938, as he would have completed more than two years of service on 1-1-1941, for the refixation of his pa as per the regulations issued with G.O.No.5924-L-A dated 17-12-1940.

A copy of your office L.Dis.16508-E4-42 dated 11-11-1942 communicating a copy of letter dated 22-7-42 of the Examiner of Local Fund Accounts is enclosed for reference.

****

Copy of L.Dis.No.16508-E4-42 of the Director of Public Health, Madras dated 11th November 1942.

Vaccinators--I class--Probationers--Fixation of pay.

Reference: Your letter R.C.No.2626/A4-42 dated 17-3-42.

A copy of my letter R.No.16508-E/42-2 dated 22-7-42 on the subject to the Examiner of Local Fund Accounts with a copy of his reply I.F.No.5178 dated 28-10-42 is sent herewith for your information.

Sd.xxxxxxxxxxxxxxx

for Director of Public Health, Madras.

****

Copy of letter R.No.16508/E42-2 dated 22-7-42 from the Director of Public Health, Madras, addressed to the Examminer of Local Fund Account Madras.

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South Kanara District Board--I Class Vaccinators--Fixation of Pay.

--

I have the honour to forward herewith a copy of letter R.C. No.2626/A4-42 dated 17-3-42 of the President, District Board, South Kanara, for favour of remarks.

2. In fixing the pay of probationers in the scales of pay prescribed in the Public Health Establishment (Local authorities) Regulations, 1940, the principle laid downin paragraph 2 of G.O.No. 2351-L-A., dated 22-6-38 is being followed. The Vacc inators, B.N.Karkera, K.H.Krishna Ayyar and L.D.Mendonca being probationers on 1-1-41 th date of commencement of the Public Health Regulations, their pay, it is presumed should be fixed on that date at Rs.30/- in the scale 30-2/2-50 plus Rs.10 personal pay to be absorbed in future increments and not at Rs.40/- as has been done by the President. Their continuous service fro the date of commencement of probation will count for increments in the above scale. Please let me know whether the above presumption is correct.

3. The case of D.Sheshappa Shetty has already been disposed of in Government Memo No.11385-B5-E1 P.H., dated 2-7-42.

****

Copy of letter I.F.No.5178 dated 28-10-42 from the Examiner of Local Funds Accounts, now at Kurnool to the Director of Public Health, Madras.

Subject: South Kanara District Board--I Class Vaccinator--Fixation of pay.

Ref: Your letter R.No.16508-E/42-2 dated 22-7-42.

As the Vaccinators referred to in the letter quoted above were only probationers with less than 2 years of service on 1st January 1941 the date of coming into force of the Regulations issued with G.O.No.xxxx

G.O.No.5924 P.H., dated 17th December 1940, their pay on 1st January 1941 should, according to the instructions laid down in paragraph 3 of [redacted] G.O.No.2884 P.H., dated 17th December 1934, G.O.No.3526 P.H., dated 3rd August 1940 and G.O.No.690 L. & M., dated 21st February 1935, be fixed at Rs.30/- the minimum of the scale of pay prescribed in the Regulations plus Rs.10/- personal pay to be absorbed in future increments.

Your presumption regarding the grant of increment is correct.

Sd.xxxxxxxxxxxxxxxxxx
District Health Officer,
South Kanara.

H.V.S.22/6

Estt. P.H. (EL)

71
8/8

From the D.P.H. R. No: 16288-A-EL/43 d. 20-4-44

Estt - P.H. - South Kanara Dt. Bd. - Ramanappa Kavikera, Svi. B, I Class Vaccinator - Refixation of pay - Declined.

Order 2210 P.H. d 8-8-44.

The proposal that the pay of Svi. B. Ramappa Kavikera, I Class Vaccinator, South Kanara Dt. Bd. should be fixed at Rs. 40/- in the scale of Rs. 30-2½-50 with effect from 1-1-41 cannot be approved.

A copy of the remarks of ~~Extract from the Remarks~~ in his report No. 301-1 of 29-7-44 in the Svr. Dt. A. ~~in the Matter~~, ~~is Communicated~~ in this connection communicated to the Director of Public Health.

Ans

~~Information and Necessary action.~~

eas
5/9/[illegible]
av
[illegible]

8/9/[illegible]

To [illegible] (S.B)
by R.P
4/9/[illegible]

with service book by Reg. Post
The P.D.B. South Kanara - (para 1 only).
The D.P.H. (with copy of [illegible] of p.h on NF. of pp. S-1 DEF returned) &
The Exec Ltr A.

eas
8/9/[illegible]

From the D.P.H. R.No. 16288-4-E.L/43 dt. 20-4-44.

Est:- P.H - South Kanara Dt. Bd. - I class Vaccinator

Sri: B. Narayappa Kankera - Pay refixation

Please see the letter of the D.P.H. and its enclosures at pp. 1-10 cr. re: the refixation of pay of Sri. B. Narayappa Kankera, a I class Vaccinator under the South Kanara Dt. Bd.

2/ The petitioner's contention is that at the time of his first appt. as II class Vaccinator (6-1-38) under the Dt. Bd. i, he, a qualified Sanitary Inspector could have been directly appointed as I class Vaccinator in a post which was vacant on that date and that if he had been so appointed as I class Vaccinator in subsequent vacancies available for him he would have completed his probation (as I class Vaccinator) on 28-12-40. It is reported that there was a permanent vacancy on that date (28-12-40) and that he could have been confirmed in that vacancy. As he would then have been a permanent I class Vaccinator on 1-1-41 his pay would also have been fixed at Rs 40 | - in the scale of Rs. 30-2/2-50. The petitioner now requests that he be deemed to have been appointed as I class Vaccinator from 6-1-38 and his pay refixed as aforesaid. The D.P.H. has not stated what happened to the permanent vacancy in which the petitioner was acting from 14-8-39. There can be no objection to the request being granted if the vacancy in which the petitioner was confirmed on 10-6-43 was

the same as that which existed on 28-12-40. But apparently the vacancy existing on 28-12-40 was filled up otherwise by the confirmation of a senior hand, as even after a continuous service as I class Vaccinator from 14-8-39, the petitioner was confirmed only on 10-6-43 please see

The D.H.O. states that the concession allowed to the 2 II class Vaccinators in G.O. 4066 P.H. dated 14/11/38. (D) namely that of converting their posts into those of I class Vaccinators may be extended to this Vaccinator also. The present case is not on all-fours with that reported to in the G.O. as in the latter case the 2 second class Vaccinators who were qualified S.I's were substantively holding their posts which were converted into I class Vaccinator's posts. The petitioner was only acting ~~I class Vaccinator~~ from 6-1-38 to 17-6-39 and even from 14-8-39 (A) to the date of his confirmation

It is true that the petitioner could have been appointed on 6-1-38 as I class Vaccinator ~~but but~~ ~~is not clear why he has not asked for confirmation from an earlier date~~. If the Vaccinator had any grievance regarding the supersession of his claim for appointment as I class Vaccinator he should have moved in the matter then and there. ~~It~~ is not clear why he has not asked for confirmation from an earlier date he has only asked for fixation of pay. If the concession asked for is given other acting Vaccinators on 1-1-41 who may be similarly situated may also ask for it. A case does not appear to have been made out for relaxing orders in

Yes this is impossible to take into consideration now what should have been done in 1938. The Pet. should have brought up his case then.

favour of the Vaccinator in question. The D.P.H. may see the case up for further remarks if any. He may be requested thereon if with his remarks hereto the Ex V 1674 ar

P.H. no 19472 E3/44-1
5-5-44

4/5/44

5/5/44

DPH.

DIRECTOR OF PUBLIC HEALTH
MADRAS
MAY 1944

2164
Rwo 16288/44

By. Registered Post.

EXAMINER
501
29 JUN 1944
LOCAL FUNDS

D.P.H.U.O.No.16288-EL/44

Office of the Director of Public Health,
Madras, 20th June 1944.

To the Secretary
to Government,
E.& P.H. U.O. No.
Through The Examiner of Local Fund Accounts, Madras.

A copy of the letter from the District Health Officer, South Kanara Ref.No.2219-44 dated, 29-5-44 is enclosed. It will be observed therefrom that Sri Narinappa Karkara was in fact confirmed with effect from 14-8-39 in the same vacancy in which he was acting xxx from that date, the vacancy that arose on 28-12-40 going to a junior. In the circumstances his request may be complied with-Vide paragraph 2 of the Education and Public Health Department's U.C. note above portion marked "K".

25-6-

for Director of Public Health, Madras.

E/1/5420 No 301-1
29.7.44

EXAMINER'S OFFICE.

The pay of the vaccinator Sri B. Narnappa Karkera as on 1st January 1941 was fixed in consultation with this Department-vide R.N.No.1650/E/42, dated 22nd July 1942 of the Director of Public Health, Madras and no reference was made then to the points now raised by the Director of Public Health. As pointed out in Paragraph 4 of the Secretariat note it is not possible to take into account what should have been done in 1938, according to the petitioner's view. It is not clear whether the vacancy which existed on 6th January 1938 was a clear vacancy, in what capacity Mr. Habibulla Khan held it and if he did hold it substantively whether that fact was taken into account in fixing his pay in 1941. As the pay of the Vaccinator was correctly fixed as on 1st January 1941 with reference to the circumstances then existing, a refixation of the pay would not be permissible with retrospective effect with reference to subsequent orders.

29.7.44

E & P.H (F1)

Education and Public Health Department U.O.

2 - AUG 1944

39674

Please see the notes of the DPH and the Spl. DPH on pp 3 and above. Para 4 of the note on p 2 ante may also be perused. There seems to be no case for fixing the pay of the Vaccinator at Rs. 40/- in the Scale

of Rs. 30 - 2/2 - 50 with effect from 1-1-44. For orders whether the D.P.H. may be informed so. The remarks of the Exr. & A. The ~~D.P.H. may be asked about 'A' of the Exr's note above applicants~~ at 'A' applicants may also be communicated to the D.P.H. for information and necessary action. The draft below is for approval.

Exr
5/8/44

Exr
5/8/44.

AN
7/8/44

8/8/44

Rev Dept

Land Revenue - Administration - Existing orders - Amendments - Suggestions.

Petition from the Kulikalai Taluk Land-owners' Association, Kulikalai dt 18.2.38.

Endt no 1438 E/38-1 dt 26.2.38

Transferred to the Bd of Rev.

Rc 16288/E4/49 E(4)

Education and PH DEPARTMENT.

23393

Submitted that the Director of Public Health may be asked to expedite ~~their~~ reply to the unofficial reference noted below.

~~ng which reminders have already issued on~~

P.H. No. 19472 E1/44-1
~~5-5-44~~ 19 .

Lr. - P.H. - 19 South Kanara Dt Bd - 1 Class Vaccinator Sri. B. Narayappa Kathera - Pay-verification

CS 17/3/44.
or 20/3/44

27/3/44

D. P.H. ~~Department~~ u.o.

Office of the Director of
Public Health, Egmore,
Madras, Dated 26-5-1944.

The matter has been referred to the District Health Officer, South Kanara, for remarks. On receipt of his report, I shall send my reply.

for Director of Public Health, Madras.

To the Secretary to Government,
Education and Public Health Department,
Madras.

D.P.H. U.C.No.16288-6
-E.L., dated 26.5.44.

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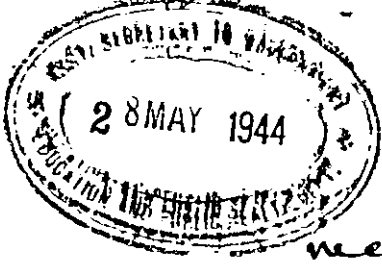
ks.27.5.44.



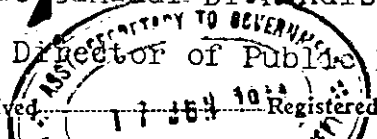
26707
Ed P.H(E)

The D.P.H, Madras if necessary be reminded again on 10-6-44.

Public Health Department.

From

Rao Bahadur Dr. R. Adiseshan, Dip.HYG. (Camb.),
Director of Public Health, Madras.



Received 17 JUN 1944 Registered

To

E\ 31858

The Secretary to Government,
Education and Public Health
Department,
Fort St. George, Madras.

19472

R.No. 16288-EL/43 dated 16th June 1944.

Sir,

Sub: Establishment-Public Health-S. Kanara District Board-I class vaccinator's B. Narnappa Karkera-pay-refixation.

Ref: Government P.H. No. 19472-E1/44-1 dated 5-5-44 and 12-6-44.

The subject is under examination. A reply will be sent to Government shortly.

for Director of Public Health, Madras.

Sm/16-6-44.

E 4.11 (E1)

Note: The D.P.H. may if necessary be reminded, again on 5.7-44.

Education & P.H. DEPARTMENT.

PUBLIC HEALTH

E

G.O.No. 3059 dated 1944

MADRAS

Submitted that the Director of Public Health may be asked to expedite ~~their~~ his reply to the unofficial reference noted below regarding which ~~reminders~~ reminders have already issued on—

P.H. No. 19472 E I/44-1

22-5-44 19 . 5-5-44.

and 12-6-44 19 .

Genl. - P.H. - 19 South Kanara Dt. Bd. - I Class Vaccinators - Svc. B. Narayappa Kankera - Pay-Refixation

Cas 6/7/44.

To

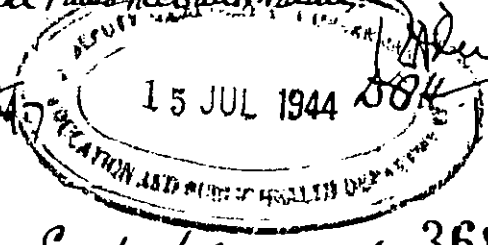
The D.P.H. ~~Department~~ u.o.

P.T.O.

Copies to the DOH
Radius

Reference No. W.O. 16288-2(L)-44

2. My Reply ~~through the Examiner of Local Fund Accounts Radius~~ dated
Section 26.6.44 through the Examiner
of Local Funds Accounts Radius



The Secretary to Government 36860
Education and Public Health Dept h.o

DOH h.o. 30596-2(L)-44

.7.44

Ed.P.H(E)

The Exr. L.F.A. may now
be reminded. The draft no.
Cos rx. below is for approval.

15/7/44
av
15/7/44
Rd. again on 2/8

17/7/44

C & P.H (EI) DEPARTMENT.

Submitted that the Exr. LFA. may be asked to forward at an early date with his remarks the reply of the D.P.H. ~~expedite their reply~~ to the unofficial reference noted below regarding which reminders have already issued on—

17-4-1944.
To the Exr. LFA.
19 . P.H.(C): 19472 EI/44-1
5-5-44.
19 .

Establishment- Public Health- South Kanara Dt. Bd. - I Class Vaccinator, Sri. B. Narrappa Kanthera - Pay re-fixation

2/8 Exr. LFA. Department u.o.